

Notice of Allowability

Application No.

10/635,779

Examiner

Robert Hodge

Applicant(s)

MARGIOTT ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/16/05.
2. ☒ The allowed claim(s) is/are 6,8,10-12 and 15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks/Arguments, filed 8/16/05, with respect to the objections of claims 6, 8, 10-12 and 15 have been fully considered and are persuasive. The objections of the above listed claims have been withdrawn.
2. The examiner acknowledges that claims 1-5, 7, 9, 13, 14 and 16 have been canceled and therefore the rejections of said claims are also withdrawn.

Allowable Subject Matter

3. Claims 6, 8, 10-12 and 15 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art made of record does not disclose the use of a hydrogen storage media being secured within a porous anode substrate layer, nor does it disclose the use of a hydrogen transfer electrochemical pump as a hydrogen transfer means between the anode and cathode flow paths. The prior art made of record also does not disclose the use of a cathode bypass valve in conjunction with a cathode bypass blower both being a part of a cathode bypass line. The prior art made of record further does not disclose the use of anode and cathode exhaust valves that are located below the fuel cell system with respect to the direction of gravity, nor does it disclose that the valves can be vacuum release valves. The prior art made of record does not disclose that the hydrogen sensor means comprises of a sensor circuit, a power source, a voltage measuring device and a sensor circuit switch that is then secured to the fuel cell.

Art Unit: 1746

5. The examiner acknowledges that applicants have submitted a statement of common ownership stating that U.S. Patent No. 6,635,370 to Condit et al. and U.S. Patent No. 6,838,199 to Balliet et al. were commonly owned by U.T.C. Fuel Cells, LLC of South Windsor, CT at the time the inventions disclosed in the application and references were made. Therefore the above listed references cannot be used as Prior Art to make any rejections of the claims under 35 U.S.C. 103(a).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Hodge whose telephone number is (571) 272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWH 8-30-05

A handwritten signature in black ink, appearing to read "Michael Barr", with a stylized flourish at the end.

MICHAEL BARR
SUPERVISORY PATENT EXAMINER